

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

EPIC GAMES, INC.,
Plaintiff, Counter-defendant,
v.
APPLE INC.,
Defendant, Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**RESPONSES TO APPLE’S
OBJECTIONS TO SPECIAL MASTER
RULINGS ON APPLE INC.’S
PRODUCTIONS OF RE-REVIEWED
DOCUMENTS**

The Honorable Thomas S. Hixson
San Francisco Courthouse
Courtroom E - 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Magistrate Judge Hixson,

Pursuant to section 4 of the Joint Stipulation and Order Approving Privilege Re-Review Protocol (Dkt. 1092) (the “Protocol”), Epic respectfully submits the following response to Apple’s Objections to the Special Masters’ rulings (“Objections”), filed on May 9, 2025. (Dkt. 1550.) Epic does not have access to the underlying documents and is therefore unable to fully assess the bases on which Apple claims privilege; Epic responds to Apple’s Objections on the limited information provided in Apple’s privilege log entries for the documents and in Apple’s Objections.

- Entry No. 6600 (PRIV-APL-EG_00215290)—Apple seeks to withhold in its entirety this email from a non-lawyer director of services at Apple to 16 other Apple employees, including both non-lawyers and lawyers alike. Apple claims in its Objection that the email “explicitly stat[es] the legal team’s anticipated next steps”. (Dkt. 1550 at 2.) The Special Master reviewed the document and concluded that its predominant purpose is business-related and nothing in Apple’s Objection suggests that conclusion was erroneous.
- Entry No. 6746 (PRIV-APL-EG_00216655)—This document is an email from a non-lawyer Senior Manager of App Review to a non-lawyer administrative assistant, copying a listserv for “App Review Senior Managers” and a business employee. Apple’s privilege log claims that the proposed redactions conceal “text reflecting information for the purpose of obtaining legal advice from employees acting under the direction of counsel”. None of that elaborate assertion of privilege remains in Apple’s Objection, which claims instead that the redacted text discloses “the substance of a legal request directed to Sean Cameron”. (Dkt. 1550 at 3.) Apple may

not present to this Court a different basis for its assertion of privilege from the one presented to the Special Master and, in any event, the Special Master reviewed the proposed redaction and concluded that the text it covers is “too vague to disclose . . . [a] request for legal advice”. Apple’s Objection does not challenge that finding and provides no information to suggest that determination was erroneous.

DATED: May 13, 2025

CRAVATH, SWAINE & MOORE LLP

By: /s/ Yonatan Even

Counsel for Plaintiff Epic Games, Inc.